



DEPARTMENT OF VETERANS AFFAIRS

Loan Guaranty: Federal Civil Penalties Inflation Adjustment Act Amendments

AGENCY: Department of Veterans Affairs.

ACTION: Notice of determination; unchanged, no 2026 inflation adjustment.

SUMMARY: The Department of Veterans Affairs (VA) is announcing that it will make no change in regulation to adjust for inflation the amount of civil monetary penalties that are allowed within VA's authorities. This notice is in accordance with the requirement in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, to make annual adjustments to the penalties, based on the prior year's October Consumer Price Index (CPI-U) data from the Bureau of Labor Statistics (BLS), and as interpreted and determined by the Office of Management and Budget (OMB) in Memorandum M-26-11. Due to the Government shutdown, BLS was unable to produce October 2025 data. Based on the lack of October 2025 CPI-U data, needed to make adjustments under the 2015 Act, OMB determined that there is no updated cost-of-living adjustment multiplier for 2026. VA continues to use the 2025 civil monetary penalty levels.

FOR FURTHER INFORMATION CONTACT: Terry Rouch, Assistant Director, Loan Guaranty Service, Veterans Benefits Administration, terry.rouch@va.gov.

SUPPLEMENTARY INFORMATION: On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act) (Pub. L. 114-74, sec. 701, 129 Stat. 584, 599-600), which amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410, sec. 5, 104 Stat. 890, 891-892), to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The amended statute, codified in a note following 28

U.S.C. 2461, requires agencies to publish annual adjustments for inflation, based on the percentage change between the CPI-U (defined in the statute as the Consumer Price Index for all-urban consumers published by the Department of Labor) for the month of October preceding the date of the adjustment and the prior year's October CPI-U. 28 U.S.C. 2461 note, secs. 4(a) and (b) and 5(b)(1).

Under 38 U.S.C. 3710(g)(4)(B), VA is authorized to levy civil monetary penalties against private lenders that originate VA-guaranteed loans if a lender falsely certifies that they have complied with certain credit information and loan processing standards, as set forth by chapter 37, title 38 U.S.C. and part 36, title 38 CFR. Under section 3710(g)(4)(B), any lender who knowingly and willfully makes such a false certification shall be liable to the United States Government for a civil penalty equal to two times the amount of the Secretary's loss on the loan involved or to another appropriate amount, not to exceed \$10,000, whichever is greater. VA implemented the penalty amount in 38 CFR 36.4340(k)(1)(i) and (k)(3). Under 31 U.S.C. 3802, VA can impose monetary penalties against any person who makes, presents, or submits a claim or written statement to VA that the person knows or has reason to know is false, fictitious, or fraudulent, or who engages in other covered conduct. The statute permits, in addition to any other remedy that may be prescribed by law, a civil penalty of not more than \$5,000 for each claim. 31 U.S.C. 3802(a)(1) and (2). VA implemented the penalty amount in 38 CFR 42.3(a)(1)(iv) and (b)(1)(ii).

Per the 2015 Act, the annual civil monetary penalties cost-of-living adjustment is based on BLS data from the month of October of the prior year. Due to the Government shutdown that occurred beginning October 2025, BLS was unable to produce the October 2025 data. Based on the lack of October 2025 CPI-U data, which is needed to make adjustments under the 2015 Act, there is no updated cost-of-living adjustment multiplier for 2026, and OMB has directed federal agencies to continue using the 2025

civil monetary penalty levels as applicable. As the 2015 Act “does not provide for an alternative calculation in the unusual event that there is not October data...as a matter of statutory interpretation, there is not authority to use an alternative method of calculation...[and] any effort to do so, contra the statute, would subject revised penalty calculations to significant and disruptive litigation risks.” See OMB Memorandum M-26-11, Cancellation of Penalty Inflation Adjustments for 2026, Regarding the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, note 4 (April 17, 2026). VA is therefore continuing to use the civil monetary penalty levels VA published in 2025.

As noted above, OMB Memorandum M-26-11 reflects no inflation adjustment multiplier change for 2026. Accordingly, VA is not revising 38 CFR 36.4340(k)(1)(i) and (3) and 38 CFR 42.3(a)(1)(iv) and (b)(1)(ii), described above, to reflect any 2026 inflationary adjustments.

SIGNING AUTHORITY

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on July 7, 2026, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jacquelyn Collins,

Alternative Federal Register Liaison Officer,

Department of Veterans Affairs.

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